REMARKS

The application includes claims 1, 3-15, 26-28, and 30-41 prior to entering this amendment.

The applicants amend claims 1, 8, 9, 13, 14, 36 and 41.

The application remains with claims 1, 3-15, 26-28, and 30-41 after entering this amendment.

The above amendments are made without prejudice or disclaimer. The amendments are made to more clearly delineate intended subject matter. Accordingly, the applicants do not intend to surrender claimed subject matter by submission of the above amendments and do not add new matter. The applicants respectfully requests reconsideration of the above referenced patent application in view of the following remarks.

Claim Rejections - 35 U.S.C. § 103

The examiner rejected claims 1, 3-7, 9-17, 26-28, 30-33, 36, and 39-41 under 35 U.S.C. §103(a) as being unpatentable over Dykeman *et al.* (U.S. Patent 7,177,951) in view of Rajsic *et al.* (U.S. Patent 7,283,467). The applicants submit that claims 1, 3-7, 9-17, 26-28, 30-33, 36, and 39-41 are allowable over Dykeman in view of Rajsic. Therefore, the applicants respectfully traverse the claim rejections for the reasons explained herein.

The references do not teach all of the features of claim 1. In claim 1, the applicants recite a crankback method where upon detecting a call failure *inside* a succeeding peer group, the succeeding peer group determines if there are one or more viable alternate links between the preceding and succeeding peer groups. If one or more viable alternate links are discovered, a succeeding end crankback specifying a blocked interface on a first link is executed. The succeeding end crankback causes the preceding peer group to send a second connection request using a second link to the succeeding peer group using an alternate link that avoids the call failure. This method avoids the inefficiencies of the conventional methods because before the succeeding end crankback procedure is executed, one or more viable alternate links are discovered. This avoids executing a succeeding end crankback procedure that causes the preceding peer group to either fail to find alternate links between the preceding and succeeding

peer groups or to try alternate links to the same node in the succeeding peer group from which the call failed in the first place.

Amended claim 1 recites:

> "determining *whether multiple nodes in the succeeding peer group have connectivity to the preceding peer group*;
> determining *whether multiple nodes of the preceding peer group have connectivity to the first node* of the succeeding peer group;" *(Emphasis Added)*

In the office action the examiner fails to explicitly reject the above quoted features of claim 1. The applicants respectfully submit that these features are absent from both Dykeman and Rajsic as discussed below. Thus, claim 1 distinguishes from Dykeman and Rajsic and should be allowed.

Amended claim 1 further recites:

> "transmitting a succeeding end crankback rather than a next higher level crankback from the succeeding peer group to the preceding peer group if multiple nodes in the succeeding peer group have connectivity to the preceding peer group and multiple nodes of the preceding peer group do not have connectivity to the first node of the succeeding peer group;" *(Emphasis Added)*

The examiner admits that Dykeman does not disclose all of the recited features of claim 1. For instance, the examiner states that Dykeman does not teach transmitting a succeeding end crankback rather than a next higher level crankback.[1] Applicants agree. The examiner points to Rajsic for the above recited features. Therefore, the remarks will address the deficiencies of Rajsic with respect to the above recited features of claim 1.

In the office action, the examiner asserts that, "Rajsic teaches checking for alternative paths *before* using crankback."[2] The applicants respectfully disagree. Nothing in Rajsic teaches checking for alternate paths *before* using crankback. On the contrary, in Rajsic, a crankback procedure *is executed to determine if there are alternate paths.*

[1] Office Action, pages 2-3.
[2] Office Action, page 6.

For example, Rajsic recites:

> "An entry border node in the lowest level destination peer group generates a Succeeding End Blocked (SEB) crankback *whenever* it fails to route the call within the peer group for *any reason* other than the blocking of the physical destination node to the target address itself."[3] *(Emphasis Added)*

Rajsic further recites:

> "The SEB crankback generated by the entry border node will allow the exit border node of the preceding peer group *** to try other parallel trunk groups entering the destination peer group that may lead to other entry border nodes and more alternate paths. If that fails, the exit border node *** propagates back a link blocked for the uplink between the exit border node and the destination LGN."[4] *(Emphasis Added)*

Rajsic further recites:

> "The purpose of the destination LGN crankback is to signal to the preceding routing-capable node that the failure in the destination LGN was not due to a blocked, lowest level physical destination node but rather due to a failure on the path between the entry node and the destination in the peer group. Thus, another attempt should be made using a different path into that peer group."[5] *(Emphasis Added)*

The crankback procedure in Rajsic is executed whenever an entry border node fails to route the call within the peer group for any reason other than the blocking of the physical destination node. Thus, Rajsic does not teach discovering viable alternate links *prior* to executing the crankback procedure. Rajsic relies on the preceding peer group's response to the crankback message to determine *if* there are alternate links. [6] Thus, alternate links *are not discovered before* using crankback in Rajsic.

In contrast, claim 1 recites a method where alternate links *are discovered before* using crankback. Accordingly, prior to sending the succeeding end crankback, a determination is made *whether multiple nodes in the succeeding peer group have connectivity to the preceding peer group* and *whether multiple nodes of the preceding peer group have connectivity to the first node of the succeeding peer group*. This determination helps ensure that; 1) there are alternate links

[3] Rajsic, col. 4, lines 55-59.
[4] Rajsic, col. 4, line 64 to col. 5, line 5.
[5] Rajsic, col. 5, lines 14-21.

between the preceding peer group and the succeeding peer group and 2) the alternate links will avoid the call failure though the first node. Thus, the method disclosed in Rajsic is very different from the method recited in claim 1.

Additionally, in Rajsic, whenever a call fails for any reason other than the blocking of the physical destination node to the target address, a succeeding end crankback is sent.[7] Thus, in Rajsic, execution of the crankback procedure is not based on a determination of whether there are one or more viable alternate links between the preceding peer group and the succeeding peer group because the SEB crankback is always sent unless the physical destination node to the target address is blocked. This is different than the method claimed in the current application where the decision to execute the crankback procedure is based on a determination of whether there are one or more viable alternate links between the preceding peer group and the succeeding peer group.

Thus, for the reasons provided above, claim 1 distinguishes from Dykeman and Rajsic and should be allowed.

Claims 3-7 depend from claim 1 and should also be allow.

Independent claims 9, 26, 36 and 39 and the respective dependent claims distinguish from Dykeman and Rajsic on at least the same or similar basis as claim 1 and should also be allowed.

Additionally, claim 10 recites:

> "The packet switch of claim 9 further comprising means for transmitting the next higher level crankback from the second peer group to the first peer group if multiple nodes in the second peer group having connectivity to the first peer group are not discovered."

The applicants respectfully submit that Dykeman and Rajsic do not teach transmitting *the next higher level crankback if multiple nodes in the second peer group having connectivity to the first peer group are not discovered.* A decision to send a next higher level crankback rather than the succeeding end crankback based on a determination that there are *no alternate routes* available is absent from both Dykeman and Rajsic.

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[6] Rajsic, col. 4, line 64 to col. 5, line 5.
[7] Rajsic, col. 4, lines 55-59.

Thus, claim 10 distinguishes from Dykeman and Rajsic for this additional reason and should be allowed. Claims 27 and 41 have features similar to claim 10 and should also be allowed for this additional reason.

The examiner rejected claims 8, 34, 35, 37 and 38 under 35 U.S.C. §103(a) over Dykeman in view of Rajsic and further in view of Kumar *et al.* (U.S. Patent 7,085,279).

Claims 8, 34, 35, 37 and 38 depend from respective independent claims 1, 26 and 36 and distinguish from Dykeman and Rajsic on at least the same basis. Kumar does not cure the deficiencies of Dykeman and Rajsic. Thus, claims 8, 34, 35, 37 and 38 should also be allowed.

CONCLUSION

For the foregoing reasons, the applicants request reconsideration and allowance of claims 1, 3-15, 26-28, and 30-41. The applicants encourage the examiner to telephone the undersigned if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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